

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. 94-87
	)	
LISA MARIE KANE	)	OAH NO. L-62483
830 Broadway, Apt. 37	)	
El Cajon, California 92021	)	
	)	
Registered Nurse No. W416740	)	
	)	
Respondent.	)	
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DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the BOARD OF REGISTERED NURSING as its Decision in the above-entitled matter.

This Decision shall become effective on August 20, 1994.

IT IS SO ORDERED July 20, 1994.

/s/ Harriett W. Clark, Esq.  
President

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. 94-87
	)	
LISA MARIE KANE	)	OAH NO. L-62483
830 Broadway, Apt. 37	)	
El Cajon, California 92021	)	
	)	
Registered Nurse No. W416740	)	
	)	
Respondent.	)	

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PROPOSED DECISION

On March 21, 1994, in San Diego, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Kathleen B. Y. Lam, Deputy Attorney General, represented complainant.

Respondent appeared and represented herself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Ruth Ann Terry, R.N., M.P.H., Executive Officer of the Board of Registered Nursing of the State of California (hereafter, "Board"), filed accusation number 94-87 in her official capacity on November 16, 1993. Respondent filed a Notice of Defense.

II

Respondent was issued License No. W416740 by the Board on August 31, 1987. On February 13, 1989, the license was revoked, the revocation was stayed, and respondent was placed on probation for three years. On January 4, 1991, the stay was vacated and respondent's license was revoked. On July 14, 1992, the Board granted respondent's petition for reinstatement and placed her on probation for three years on terms and conditions.

### III

Three of the terms and conditions of probation imposed by the Board when it granted respondent's petition for reinstatement of the license were:

"2. Petitioner shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the petitioner's compliance with the program.

...

"13. Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are lawfully prescribed by a licensed physician or dentist as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, the petitioner's prognosis, and the date the medication will no longer be required.

"14. Petitioner, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The petitioner is responsible for ensuring that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the petitioner will be considered in violation of the probation.

In addition, petitioner, at any time during the period of probation shall fully cooperate with the Board or any of its representatives, and shall when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances."

### IV

On August 3, 1993, respondent was employed as a registered nurse at Scripps Hospital East City, El Cajon.

Another nurse collected a urine sample from respondent pursuant to a random test and submitted it to a laboratory for testing. The test was positive for amphetamines and methamphetamines.

Several days earlier, respondent had been to a party where methamphetamine ("crystal meth") was available, and she ingested some. She thereby violated the terms and conditions of her probation.

## V

Following the hearing on her reinstatement petition, the Board found the following:

"(Respondent) was granted a license with conditions by the State of Iowa on March 9, 1990, and is due to complete her probation in December, 1992, unless it is extended. She began working at the Veterans Hospital in Iowa City in March, 1990. Her work performance there was highly satisfactory and without incident. (Respondent) demonstrated to her Iowa probation officer that she has maintained a chemical free lifestyle supported by attendance at 12 step recovery programs."

On March 31, 1993, respondent was notified she completed the terms of her probation in Iowa. After she tested positive for drugs, respondent notified the Iowa Board of Nursing. That Board will not act until the Board in California acts.

## VI

Respondent's recovery program includes attending three to four Narcotics Anonymous meetings per week and one or two nurse to nurse group meetings per week. However, in August, 1993, respondent began attending fewer meetings and felt confident she could reduce the time and energy she devoted to her recovery program. Her confidence was misplaced, and she relapsed. She has since returned to a more frequent meeting routine.

When respondent's employer learned of the positive drug test, it placed her on medical leave. Respondent entered a six week outpatient chemical dependency program at the Psychiatric Centers at San Diego in September, 1993. The program involved three meetings per week, and respondent completed it on November 4, 1993.

In addition to requiring respondent to enter the chemical dependency program, Scripps Hospital and respondent entered into a contract which requires, among other things,

respondent to participate in a recovery program, and requires random testing and abstinence from mind altering drug use.

Respondent has had six random drug tests taken since August, 1993, and each has been negative. The last was taken on February 28, 1994.

## VII

Respondent began working at Scripps Hospital in December, 1992. An evaluation of her performance in December, 1993, found her to meet or exceed the standards of performance for her position. She returned to work after she completed the chemical dependency program, and the people with whom she works have been supportive of her.

Respondent's supervisor, Deborah Dapsit, the Director of Medical/Surgical Nursing, is aware of respondent's problems with drugs. She sees respondent every day respondent works, and keeps a close eye on respondent, particularly her charting. Dapsit has found no errors in respondent's charting. She has no hesitation in continuing to employ respondent at Scripps. She feels the contract between Scripps and respondent is a strict one, and combined with the daily meetings respondent is attending, believes respondent can continue to work successfully.

## DETERMINATION OF ISSUES

### I

Cause for discipline of respondent's license for violation of the terms and conditions of probation was established by reason of Findings III and IV.

### II

Cause to continue respondent on probation was established by Findings V, VI, and VII.

It is relatively common for persons who have abused drugs and who have made efforts to stop using drugs to nevertheless relapse. Given the difficulty such persons have with living a drug free life, the fact an illegal drug was used on one occasion ought not be the sole reason to revoke a license. Other factors should be considered.

Respondent had been attending two support groups at the time she relapsed, but her efforts had decreased over time. Her relapse served to reinforce the notion she can never waver in her efforts to remain drug free. It only occurred once. She did not obtain any drugs from work, or take the drug while working, or endanger any patient. She is being monitored closely at work and

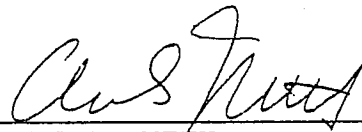
is subjected to random drug testing by both the Board and her employer. So far, her subsequent tests have been negative. Her employer considers her an excellent nurse and is willing to continue to employ her under the tight controls it has established.

In light of the above, respondent should be given one more chance, but she must recognize that insofar as her license to practice as a registered nurse in the State of California is concerned, it could very well be her last chance.

ORDER

License No. W416740 issued by the Board to respondent Lisa Marie Kane is revoked for the reasons set forth in Determination of Issues I; however, the revocation is stayed and respondent is placed on probation for a period of five years on the same terms and conditions previously imposed by the Board in its Decision and Order dated July 14, 1992.

Dated: April 13, 1994



ALAN S. METH  
Administrative Law Judge  
Office of Administrative Hearings

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9 Attorneys for Complainant

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

NO. 94-87

LISA MARIE KANE )  
830 Broadway, Apt. 37 )  
El Cajon, CA 92021 )  
License No. W 416740 )

ACCUSATION AND  
PETITION TO  
REVOKE PROBATION

Respondent. )

Ruth Ann Terry, R.N., M.P.H., for causes for  
discipline, alleges:

1. Complainant Ruth Ann Terry, R.N., M.P.H., makes  
and files this accusation and petition to revoke probation in her  
official capacity as Executive Officer, Board of Registered  
Nursing, Department of Consumer Affairs.

2. On August 31, 1987, the Board of Registered Nursing  
issued Registered Nurse License Number W 416740 to Lisa Marie  
Kane. On February 13, 1989, the Board revoked the license, then  
stayed the revocation, for 3 years, under terms and conditions,

1 in proceeding number 88-64. On January 4, 1991, the Board  
2 revoked the license in proceeding number 90-112. On August 15,  
3 1992, the Board reinstated respondent's license, then placed the  
4 license on probation for 3 years, under terms and conditions, in  
5 proceeding number L-57203. On October 31, 1994, the license will  
6 expire, unless renewed.

7  
8 3. Under Business and Professions Code section 2750,  
9 the Board of Registered Nursing may discipline any licensee,  
10 including a licensee holding a temporary or an inactive license,  
11 for any reason provided in Article 3 of the Nursing Practice Act.

12  
13 4. DRUGS

14 "Methamphetamine," is a Schedule II controlled  
15 substance as designated by Health and Safety Code section  
16 11055(d)(2).

17 "Amphetamine," is a Schedule II controlled substance as  
18 designated by Health and Safety Code section 11055(d)(1).

19  
20 5. Respondent has subjected her license to discipline  
21 under Business and Professions Code section 2761(a) on the  
22 grounds of unprofessional conduct as defined in section 2762(a)  
23 of that code in that on or about August 3, 1993, in El Cajon,  
24 California, respondent self-administered amphetamines and  
25 methamphetamines without a valid prescription therefor in  
26 violation of Health and Safety Code section 11352.

27 ///

PETITION TO REVOKE PROBATION

6. The allegations of paragraphs 1 through 5 of the accusation heretofore filed are realleged and incorporated herein by reference as if fully set forth.

7. On August 15, 1992, the Board reinstated respondent's license, then placed the license on probation for 3 years, under terms and conditions, in proceeding number L-57203. Condition 1 of the probation order required respondent to obey all federal, state and local laws, and all laws, rules and regulations of the Board of Registered Nursing governing the practice of nursing in California. Condition 2 required respondent to fully comply with the terms and conditions of the probation program established by the Board. Condition 13 required respondent to completely abstain from the possession, injection or consumption of all psychotropic (mood altering) drugs, including alcohol, without a lawful prescription. Condition 14 required respondent to participate in a random, biological fluid testing or a drug screening program and that any positive finding would be considered a violation of probation.

8. Grounds exist to revoke probation and vacate the reinstatement of respondent's license in that she failed to obey all federal, state and local laws, and all laws, rules and regulations of the Board of Registered Nursing governing the practice of nursing in California, as set forth in paragraph 5 of the accusation.

1           9. Grounds exist to revoke probation and vacate the  
2 reinstatement of respondent's license in that she failed to  
3 completely abstain from the possession, injection or consumption  
4 of all psychotropic (mood altering) drugs, including alcohol,  
5 without a lawful prescription, as set forth in paragraph 5 of the  
6 accusation.

7  
8           10. Grounds exist to revoke probation and vacate the  
9 reinstatement of respondent's license in that on or about  
10 August 3, 1993, respondent's biological fluid testing, or drug  
11 screening, confirmed a positive finding for amphetamines and  
12 methamphetamines and is considered a violation of probation.

13  
14           11. Grounds exist to revoke probation and vacate the  
15 reinstatement of respondent's license in that she failed to fully  
16 comply with the terms and conditions of the probation program  
17 established by the Board, as set forth in paragraphs 7, 8, 9 and  
18 10 of the petition to revoke probation.

19  
20           WHEREFORE, complainant prays that a hearing be held and  
21 that the Board of Registered Nursing make its order:

22           1. Revoking or suspending Registered Nurse License  
23 Number W 416740, issued to Lisa Marie Kane.

24           2. Vacating probation and the order reinstating  
25 Registered Nurse License Number W 416740, issued to Lisa Marie  
26 Kane.

27           3. Taking such other and further action as may be

1 deemed proper and appropriate.

2 DATED: 11-16-93

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151  
RUTH ANN TERRY, R.N., M.P.H.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

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Complainant

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26 03579110-SD93AD0559(jr)

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for	)	
Reinstatement of:	)	OAH No. L-57203
	)	
LISA MARIE KANE	)	
309 Solana Hills Drive, #111	)	
Solana Beach, California 92075	)	
	)	
Petitioner.	)	
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DECISION

On May 28, 1992, in San Diego, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, presided over a quorum of the Board of Registered Nursing which heard this matter.

Anthony M. Summers, Deputy Attorney General, represented the Attorney General.

Petitioner was present and represented herself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Lisa Marie Kane ("petitioner") was issued Registered Nursing License number W 416740 by the Board of Registered Nursing (hereafter, "Board") on August 31, 1987.

II

On January 12, 1989, petitioner and the Board entered into a Stipulation, effective February 13, 1989, which revoked petitioner's license, stayed the revocation, and placed it on probation for a period of three years on terms and conditions. In the Stipulation, petitioner admitted she violated Business and Professions Code section 2761(a) by committing gross negligence

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while on duty as an interim permittee at Escondido Convalescent Hospital in 1987, and received her registered nursing license by mistake.

Effective on January 4, 1991, petitioner's license was revoked for violating Business and Professions Code sections 2761(a) and 2762(a) in that while employed as a registered nurse at the Tri-City Medical Center, she possessed and self-administered unknown quantities of amphetamines or methamphetamine (known as "crystal meth") during 1987 through 1989, and such use of these controlled substances impaired her ability to perform nursing duties with safety.

### III

On February 12, 1992, petitioner filed this petition for reinstatement of her registered nurse's license.

### IV

Petitioner was granted a license with conditions by the State of Iowa on March 9, 1990, and is due to complete her probation in December, 1992, unless it is extended. She began working at the Veterans Hospital in Iowa City in March, 1990. Her work performance there was highly satisfactory and without incident. Petitioner demonstrated to her Iowa probation officer that she has maintained a chemical free lifestyle supported by attendance at 12 step recovery programs.

### V

Petitioner was admitted to Mesa Vista Hospital in San Diego on June 28, 1989, for a substance use disorder, and discharged on August 4, 1989. She was treated with individual psychotherapy, group therapy, educational therapy and involvement in all phases of the chemical dependency rehabilitation program.

On January 31, 1991, petitioner completed the Intensive Outpatient Program of the Mid-Eastern Council on Chemical Abuse in Iowa City, Iowa. During the time she lived in Iowa, she attended at least three meetings per week, including one of either Alcoholics Anonymous or Narcotics Anonymous.

Petitioner returned to California in January, 1992, and is attending meetings daily. She has two sponsors.

### VI

Between 1988 and 1991, petitioner attended 11 nursing education courses in Iowa City.

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### DETERMINATION OF ISSUES

Cause for reinstatement of petitioner's license was established pursuant to Findings IV, V, and VI.

### ORDER

The petition of Lisa Marie Kane for reinstatement of her license as a registered nurse in the State of California is hereby granted. However, said license is placed on probation for a period of three years on the following terms and conditions:

1. Petitioner shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the petitioner to the Board in writing within seventy-two (72) hours of occurrence.
2. Petitioner shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the petitioner's compliance with the program.
3. Petitioner, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Period of residency or practice outside of California will not apply to the reduction of this probationary term. The petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Petitioner, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to petitioner's compliance with all the terms and conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.
6. Petitioner, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or

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as determined by the Board) for 6 consecutive months. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license which is in an active status.

7. The Board shall be informed of and approve of each agency for which the petitioner provides nursing services prior to petitioner's commencement of work. The petitioner shall inform his/her employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to his/her employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Petitioner is also required to notify the Board in writing within seventy-two (72) hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.
8. The Board shall be informed of and approve of the level of supervision provided to the petitioner while he/she is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.
9. Petitioner may not work for a nurse registry; temporary nurse agency; home care agency; in-house nursing pool; as a nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor in a Board approved continuing education program. Petitioner must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.
10. Petitioner at his/her expense, shall begin and successfully complete a course(s) in nursing as directed by the Board prior to engaging in the practice of nursing and prior to the end of the probationary term.

The petitioner may be suspended from practicing nursing until the necessary coursework is

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completed. The content of such course(s) and the place and conditions of instruction shall be specified by Board representatives at the time of the initial probation meeting based on the nature of the violation(s). Specific courses must be approved prior to enrollment. The petitioner must submit written proof of enrollment and proof of successful completion. Transcripts or certificates of completion must be mailed directly to the Board by the agency or entity instructing the petitioner.

Home study or correspondence courses are not acceptable and will not be approved.

11. Petitioner, at his/her expense, within 45 days of the effective date of this decision, shall have a licensed physician submit, in a format acceptable to the Board, an assessment of the petitioner's physical condition and capability to perform the duties of a professional registered nurse. If medically determined, a recommended treatment program will be instituted and followed by the petitioner with the physician providing written reports to the Board on forms provided by the Board.
12. Petitioner, at his/her expense, shall successfully complete or shall have successfully completed a treatment/rehabilitation program of at least six months duration which the Board approves. Reports shall be submitted by the program on forms provided by the Board. If petitioner has not completed a treatment program prior to commencement of probation, the petitioner, within a reasonable period of time as determined by the Board (but not exceeding 45 days from the effective date of the decision) shall be enrolled in a treatment program. If a treatment program is not successfully completed within the first nine months of probation, the Board will consider the petitioner to be in violation of probation and will initiate further disciplinary action against the petitioner's license.

In addition, petitioner must attend two 12-step recovery meetings per week (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as directed by the Board. If a nurse support group is not available, an

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additional 12-step meeting must be added. Petitioner must submit dated and signed documentation confirming such attendance to the Board during the entire period of probation.

13. Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are lawfully prescribed by a licensed physician or dentist as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, the petitioner's prognosis, and the date the medication will no longer be required.
14. Petitioner, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The petitioner is responsible for ensuring that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the petitioner will be considered in violation of the probation.

In addition, petitioner, at any time during the period of probation shall fully cooperate with the Board or any of its representatives, and shall when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

15. The petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his/her capability to perform the duties of registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to

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the Board. All costs are the responsibility of the petitioner. Recommendations for treatment, therapy or counselling made as a result of the mental health examination will be instituted and followed by the petitioner.

16. Petitioner, at his/her expense, shall participate in an on-going counseling program until such time as the Board releases him/her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

This decision shall become effective on the 15th  
of August, 1992.

IT IS SO ORDERED this 14th of July,  
1992.

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

/s/ Margretta M. Styles, R.N., Ed.D.  
MARGRETTA M. STYLES, R.N., Ed.D.  
President

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BOARD OF  
REGISTERED NURSING  
LOS ANGELES

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2 MICHAEL P. SIPE,  
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6 Attorneys for Complainant

7 BEFORE THE

8 BOARD OF REGISTERED NURSING

9 DEPARTMENT OF CONSUMER AFFAIRS

10 STATE OF CALIFORNIA

11

12 In the Matter of the Accusation )  
Against: )

NO. 90-112

13

LISA MARIE KANE, R.N. )

DEFAULT DECISION

14

Rural Route #2 )

Fort Dodge, Iowa 50501 )

[Gov. Code §11520]

15

Registered Nurse No. W 416740 )

16

Respondent. )

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18 Respondent Lisa Marie Kane, having been served with the  
19 Accusation and Petition to Vacate Stay, Statement to Respondent,  
20 and Notice of Defense, as provided by sections 11503 and 11505 of  
21 the Government Code, and having failed to file a Notice of  
22 Defense within the time allowed by section 11506 of said Code,  
23 that the default of said defendant having been duly entered, the  
24 Board having determined that respondent has waived her right to a  
25 hearing to contest the merits of said accusation; that said  
26 respondent is in default; and that the Board will take action on  
27 the accusation and petition, affidavits, and documentary evidence  
on file herein without a hearing, as provided by sections 1105(a)

1 and 11520 of the Government Code; that Catherine M. Puri is the  
2 Executive Director of the Board of Registered Nursing and made  
3 and filed the Accusation and Petition solely in her official  
4 capacity.

5           Upon the record, the Board makes the following findings  
6 of fact and determination of issues.

7                           FINDINGS OF FACT

8           The facts and allegations set forth in the Accusation  
9 and Petition are true. Said Accusation is on file with the Board  
10 of Registered Nursing, and the facts and allegations contained  
11 therein are incorporated by reference as if fully set forth  
12 herein. A copy of said Accusation is attached.

13                           DETERMINATION OF ISSUES

14           Based on the findings of fact stated above, respondent  
15 has committed acts constituting grounds for disciplinary action  
16 under Business and Professions Code sections 2761(a), and  
17 2762(a)(b).

18                       WHEREFORE, IT IS HEREBY ORDERED:

19           1. Registered Nurse License No. W 416740, issued to  
20 Lisa Marie Kane, is hereby revoked, and the stay is vacated.

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2. Respondent shall not be deprived of making any further showing by way of mitigation, however, a showing must be made in writing to the Board of Registered Nursing, 1030 13th Street, Suite 200, Sacramento, California 95814, prior to the revocation of his license.

Dated this third day of December,  
1990.

This decision shall become effective on January 4,  
                    , 1991.

/s/ Joyce Boone, R.N.  
JOYCE BOONE, R.N.  
President  
Board of Registered Nursing  
State of California

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 MICHAEL SIPE  
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4 Telephone: (619) 238-3391

5 Attorneys for Complainant  
6  
7  
8

9 BEFORE THE  
BOARD OF REGISTERED NURSING  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
12 Against: )

NO. 90-112

13 LISA MARIE KANE )  
Rural Route #2 )  
14 Fort Dodge, Iowa 50501 )  
Registered Nurse License )  
15 No. W 416740 )

ACCUSATION AND  
PETITION TO VACATE STAY

16 Respondent. )  
17

18 Ruth Ann Terry, R.N., M.P.H., for causes for discipline  
19 and vacating the stay and reimposing the order of revocation,  
20 alleges:  
21

22 1. Complainant Ruth Ann Terry R.N., M.P.H., makes and  
23 files this accusation and petition to vacate stay in her official  
24 capacity as Acting Executive Officer, Board of Registered  
25 Nursing, Department of Consumer Affairs.

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1           2. On August 31, 1987, the Board of Registered Nursing  
2 issued registered nurse license number W 416740 to Lisa Marie  
3 Kane. On February 13, 1989, the license was revoked pursuant to  
4 a decision in In the Matter of the Accusation Against Lisa Kane,  
5 case number 88-64. The revocation was stayed and respondent was  
6 placed on three years probation with conditions. One condition  
7 of probation being that respondent obey all laws of the United  
8 States, State of California, and all rules and regulations and  
9 laws pertaining to the practice of nursing in California. The  
10 license will expire October 31, 1990, unless renewed.

11

12           3. Under Business and Professions Code section 2750,  
13 the Board of Registered Nursing may discipline any licensee,  
14 including a licensee holding a temporary or an inactive license,  
15 for any reason provided in Article 3 of the Nursing Practice Act.

16

17           4. "Drugs"

18           "Amphetamine" is a Schedule II controlled substance as  
19 designated by Health and Safety Code section 11055(d)(1).

20           "Methamphetamine" is a Schedule II controlled substance  
21 as designated by Health and Safety Code section 11055(d)(2).

22

23           5. Respondent has subjected her license to discipline  
24 under Business and Professions Code section 2761(a) on the  
25 grounds of unprofessional conduct as defined in section 2762(a)  
26 of that code in that while employed as a registered nurse at the  
27 Tri-City Medical Center, Oceanside, California, in the following

1 respects:

2           a. In or about 1987, 1988, and 1989, she possessed an  
3 unknown quantity of amphetamine or methamphetamine, controlled  
4 substances, in violation of Business and Professions Code section  
5 4230 in that she had no prescription therefor.

6           b. On or about June 13, 1989, she possessed an unknown  
7 quantity of amphetamine or methamphetamine, controlled  
8 substances, by reason of it being in her system on that day as  
9 evidenced by a urine sample and blood sample that tested positive  
10 for the above controlled substances, in violation of Business and  
11 Professions Code section 4230 in that she had no prescription  
12 therefor.

13           c. In 1987, 1988, and 1989, she self-administered an  
14 unknown quantity but believed to be seven or eight lines  
15 (approximately 1/4 gram) a day of "crystal meth" (amphetamine and  
16 methamphetamine, controlled substances) without legal direction  
17 from a licensed physician and surgeon, dentist or podiatrist.

18

19           6. Respondent has subjected her license to discipline  
20 under Business and Professions Code section 2761(a) on the  
21 grounds of unprofessional conduct as defined in section 2762(b)  
22 of that code in that in 1987, 1988, and 1989, while employed and  
23 on duty as a registered nurse at the Tri-City Medical Center,  
24 Oceanside, California, she used an unknown quantity but believed  
25 to be seven or eight lines a day of "crystal meth" (approximately  
26 1/4 gram) (amphetamines and methamphetamines, controlled  
27 substances), to an extent and in a manner dangerous or injurious

1 to herself or the public or to the extent that such use would  
2 impair her ability to conduct with safety to the public the  
3 practice authorized by her license.

4  
5 PETITION TO VACATE STAY

6 1. The allegations of paragraphs 1 through 6 of the  
7 accusation are incorporated herein by reference and are realleged  
8 as if fully set forth.

9  
10 2. Grounds exist for vacating the stay heretofore  
11 issued and reimposing the order of revocation of respondent's  
12 registered nurse license in that she failed to comply with the  
13 terms of probation by failing to obey all laws pertaining to the  
14 practice of nursing in this state by violating Business and  
15 Professions Code section 2761(a) (unprofessional conduct) in  
16 conjunction with Business and Professions Code section 2762(a)  
17 (possessed and self-administered controlled substances) and  
18 2762(b) (used a controlled substance in a manner dangerous or  
19 injurious to herself or the public) as alleged in paragraphs 5  
20 and 6 of the above accusation.

21  
22 WHEREFORE, complainant prays a hearing be had and that  
23 the Board of Registered Nursing make its order:

24 1. Revoking or suspending registered nurse license  
25 number W 416740, issued to Lisa Marie Kane.

26 //

27 //

2. Vacating the stay and reimposing the order of revocation of registered nurse license number W 416740, issued to Lisa Marie Kane.

3. Taking such other and further action as may be deemed appropriate.

DATED: May 4, 1990

Catherine M. Terry, R.N.  
RUTH ANN TERRY, R.N., M.P.H.  
Acting Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

03579110-  
SD90AD0066  
Susan McCrackin

1 JOHN K. VAN DE KAMP, Attorney General  
2 of the State of California  
3 M. GAYLE ASKREN,  
4 Deputy Attorney General  
5 110 West A Street, Suite 700  
6 San Diego, California 92101  
7 Telephone: (619) 237-7989  
8 Attorneys for Complainant

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

No. 88-64

LISA KANE, R.N.  
2431 Catalina Circle #586  
Oceanside, CA 92056

STIPULATION IN SETTLEMENT  
AND DECISION

Registered Nursing Certificate )  
No. W 416740 )

Respondent. )

In the interest of a prompt and speedy settlement of  
this matter, consistent with the public interest and the  
responsibility of the Board of Registered Nursing (hereinafter  
"Board"), the parties submit this Stipulation and Decision to  
the Board for its approval and adoption as the final  
disposition of the Accusation.

The parties stipulate the following is true:

1. An Accusation, No. 88-64, is currently pending  
against Lisa Kane, R.N. (hereinafter "respondent"), before the

1.

1 Board of Registered Nursing. The Accusation, together with all  
2 other statutorily required documents, was duly served on the  
3 respondent on or about February 9, 1988, and respondent filed  
4 her Notice of Appeal/Defense (contesting the Accusation) on or  
5 about March 7, 1988. A copy of Accusation No. 88-64 is  
6 attached as Attachment "A" and hereby incorporated by reference  
7 as if fully set forth.

8 2. At all times relevant herein, respondent has been  
9 licensed by the Board under Registered Nursing Certificate  
10 No. W 416740. The respondent is fully aware of her right to a  
11 hearing, to present witnesses in her behalf, to cross-examine  
12 witnesses against her, to obtain counsel herself to represent  
13 her in this matter, to petition for reconsideration, to seek  
14 judicial review of any adverse order of the Board, and any and  
15 all additional rights guaranteed to her pursuant to law and  
16 reflected in, but not limited to, those rights and procedures  
17 in the Business and Professions Code, Government Code, and Code  
18 of Civil Procedure. With these rights in mind, respondent  
19 waives such rights. Respondent is not represented in this  
20 matter.

21 3. Respondent admits the truth of each and every  
22 allegation of the Accusation No. 88-64, and agrees that she has  
23 thereby subjected her license to discipline. Grounds for  
24 discipline exist against the respondent, pursuant to Business  
25 and Professions Code ("Code") section 2750, for violation of  
26 Code section 2761(a)(1) in conjunction with California Code of  
27 Regulations sections 1442, 1443, and 1443.5(3). Respondent

1 agrees to the Board's imposition of penalty as set out in the  
2 Order below.

3 4. In consideration of the foregoing admissions and  
4 findings, the parties agree that the Board shall, without  
5 further notice of formal proceeding, issue and enter an order  
6 as follows:

7 ORDER

8 I. Registered Nursing Certificate W 416740 issued  
9 by the Board to LISA MARIE KANE, R.N., is hereby revoked.  
10 Provided, however, that revocation is stayed, and the  
11 certificate is placed on probation for three (3) years on terms  
12 and conditions, which are set forth:

13 (1) OBEY ALL LAWS - Respondent shall  
14 obey all the laws of the United States,  
15 State of California, and all rules and  
16 regulations and laws pertaining to the  
17 practice of nursing in this state.

18 (2) COMPLY WITH PROBATION PROGRAM -  
19 Respondent shall fully and completely  
20 comply with the probation program  
21 established by the Board and cooperate with  
22 representatives of the Board.

23 (3) REPORT IN PERSON - Respondent  
24 during the period of probation shall report  
25 in person to such meetings of the Board of  
26 Registered Nursing or its designated  
27 representatives, as directed.

1 (4) ABSENCE FROM STATE - In the  
2 event respondent should leave California to  
3 reside or practice outside of the State,  
4 respondent shall comply with conditions of  
5 the probation program as directed by the  
6 Board. Periods of residency outside of the  
7 state will not apply to the reduction of  
8 this probationary term.

9 (5) SUBMIT WRITTEN REPORTS -  
10 Respondent, during the period of probation,  
11 shall submit such written reports and  
12 verification of actions as are required by  
13 the Board.

14 (6) FUNCTION AS A REGISTERED NURSE -  
15 Respondent, during the period of probation,  
16 shall engage in the practice of nursing in  
17 the state of California for a minimum of  
18 six months.

19 (7) NURSING PRACTICE - The Board  
20 shall be informed of and approve of any  
21 agency for which the respondent provides  
22 nursing services. The agency shall be  
23 informed of the reason for and terms of  
24 probation and shall submit performance  
25 evaluations and other reports as requested  
26 by the Board.  
27

1 (8) SUPERVISION - The Board shall be  
2 informed of and approve of the type of  
3 supervision provided while the respondent  
4 is functioning as a registered nurse.  
5 Respondent may not function as a  
6 supervisor.

7 (9) EMPLOYMENT LIMITATIONS -  
8 Respondent may not work for a nurses'  
9 registry; as a faculty member in an  
10 approved school of nursing; or as an  
11 instructor in a Board approved continuing  
12 education course.

13 (10) COMPLETE A NURSING COURSE(S) -  
14 Respondent shall begin and successfully  
15 complete a course(s) in nursing prior to  
16 providing direct patient care and prior to  
17 the end of the probationary term. The  
18 content of such course(s) and the place and  
19 conditions of instruction shall be approved  
20 by the Board prior to enrollment. Written  
21 proof of enrollment in such course(s) and  
22 proof of successful completion shall be  
23 given to the Board by the agency or entity  
24 instructing the respondent.

25 II. Upon successful completion of probation,  
26 respondent's certificate will be fully restored.

1           III. If respondent violates probation in any respect,  
2 the Board, after giving respondent notice and the opportunity  
3 to be heard, may revoke probation and carry out the  
4 disciplinary order that was stayed. If an accusation or  
5 petition to revoke probation is filed against respondent during  
6 probation, the Board shall have continuing jurisdiction until  
7 the matter is final, and the period of probation shall be  
8 extended until the matter is final.

9           The within stipulation shall be subject to the  
10 approval of the Board of Registered Nursing. If the Board  
11 fails to adopt this stipulation as its Order, the stipulation  
12 shall be of no force or effect for either party.

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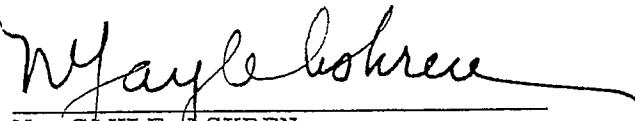
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1 I have read the above Stipulation and Order,  
2 understand its terms, and agree in all respects thereto.

3 DATED: June 20, 1988

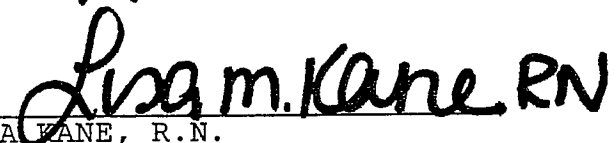
4 JOHN K. VAN DE KAMP, Attorney General  
5 of the State of California

6 

7 M. GAYLE ASKREN  
8 Deputy Attorney General

9 Attorneys for Complainant  
10 Board of Registered Nursing

11 DATED: July 12th 1988

12   
13 LISA KANE, R.N.  
14 Respondent

15 / / / / / / /  
16 / / / / / / /  
17 / / / / / / /  
18 / / / / / / /

19 DECISION AND ORDER  
20 OF THE BOARD

21 The foregoing Stipulation and Order, in Case  
22 No. 88-64, is hereby adopted as the Order of the Board of  
23 Registered Nursing. An effective date of February 13, 1989, has  
24 been assigned to this Decision and Order.

25 Made this 12th day of January, 1989.

26 /s/ Delia Goggins, R.N.

27 MGA:ml

FOR THE BOARD OF REGISTERED NURSING

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 M. GAYLE ASKREN,  
Deputy Attorney General  
3 110 West A Street, Suite 700  
San Diego, California 92101  
4 Telephone: (619) 237-7989

5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the Accusation	)	NO. 88-64
12 Against:	)	
	)	
13 LISA MARIE KANE	)	ACCUSATION
2325 Via Francisca, Apt. S	)	
Carlsbad, CA 92008	)	
	)	
14 License No. W 416740,	)	
	)	
15 Respondent.	)	
16	)	

17 Catherine M. Puri, R.N., Ph.D., for causes for  
18 discipline, alleges:

19 1. Complainant Catherine M. Puri, R.N., Ph.D., makes  
20 and files this accusation in her official capacity as Executive  
21 Officer, Board of Registered Nursing, (the "Board") Department  
22 of Consumer Affairs.

23 2. On or about April 15, 1986, the Board received an  
24 application for licensure to practice as a registered nurse in  
25 California from Lisa Marie Kane. On January 28, 1987, the  
26 Board issued interim permit number IP 099670 to Lisa Kane. On  
27 August 31, 1987, the Board issued registered nurse license

1 number W 416740 to Lisa Marie Kane. On October 31, 1988, the  
2 license will expire, unless renewed.

3 3. Pursuant to Business and Professions Code (the  
4 "Code") section 2750, the Board may discipline any licensee,  
5 including a licensee holding a temporary or an inactive  
6 license, for any reason provided in Article 3 of the Nursing  
7 Practice Act, Code sections 2700, et seq.

8 4. Pursuant to Code section 2736, the Board may deny  
9 licensure as a registered nurse if the applicant committed acts  
10 which constitute grounds for denial under section 480 of the  
11 Code.

12 5. Pursuant to Code section 480, the Board may deny a  
13 license if the applicant committed acts, which if done by a  
14 licentiate, would be grounds for disciplinary action.

15 6. While on duty as an interim permittee at Escondido  
16 Convalescent Hospital, Escondido, during the period January 18,  
17 1987 to June 23, 1987, Lisa Marie Kane committed the following  
18 acts:

19 a. On February 23, 1987, she precharted the 10:00  
20 a.m. and 2:00 p.m. doses of medication on patients'  
21 medication records, rather than charting administration of  
22 medication after administration.

23 b. On March 15, 1987, she failed to exercise  
24 ordinary precaution in a situation which she knew, or  
25 should have known, could have jeopardized human life, by  
26 leaving two carts of dangerous drugs unattended and  
27 accessible to unauthorized persons.

1 c. Between March 25 and March 29, 1987, she failed  
2 to chart administration of medication to 64 patients on  
3 the patient medication records.

4 d. In May 1987, she accepted an assignment as a  
5 charge nurse without direct registered nursing supervision  
6 while practicing on an interim permit.

7 e. On June 23, 1987, she failed to administer  
8 medication, as ordered by the physician, to 15 patients.

9 7. On or about August 31, 1987, the Board erroneously  
10 issued Registered Nurse License No. W 416740 to respondent.

11 8. Respondent is subject to disciplinary action  
12 pursuant to Code section 2761, subdivision (b), in that  
13 Registered Nurse License No. W 416740 was issued by mistake of  
14 the Board, which issued her license even though respondent had  
15 not met the qualification requirements of Code section 2736,  
16 subdivision (a)(3), as more particularly alleged hereinafter:  
17 At the time the license was issued, grounds existed to deny  
18 respondent's application under section 480 of the Code, in that  
19 the conduct alleged in paragraph 6 would have subjected her  
20 license to discipline on the following grounds had she been  
21 licensed.

22 a. The acts would have subjected her license to  
23 discipline pursuant to Code section 2761, subdivision  
24 (a)(1) in conjunction with title 16, California  
25 Administrative Code, section 1442, in that she was guilty  
26 of gross negligence.

27 ///

b. Her acts would have subjected her license to discipline pursuant to Code section 2761, subdivision (a)(1) in that she was guilty of incompetence in conjunction with title 16, California Administrative Code, section 1443 and 1443.5(3) because she lacked the skill, care and experience ordinarily possessed and exercised by a competent registered nurse through repeated failure to administer and to document correctly the administration of medication in spite of reprimands relating to such conduct.

WHEREFORE, complainant prays that a hearing be held and that the Board of Registered Nursing make its order:

1. Revoking or suspending registered nurse license number W 416740, issued to Lisa Marie Kane, from the beginning.

2. Taking such other and further action as may be deemed proper and appropriate.

DATED:

$$11 \overline{) 25188}$$

CATHERINE M. PURI, R.N., Ph.D.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

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